

REMOVALS (RULE 40)

ORIGINAL

FILED IN OPEN COURT
DATE: 7/25/05 @ 2:00 p.m.
JFK # TAPE: 25-35 @ 3272
TIME: 15 minutes

MAGISTRATE JANET F. KING
CASE NUMBER 1:25-MJ-978
AUSA C. Howard
USPO

PRESIDING Lavonia Wade-Childs DEPUTY CLERK
DEFENDANT'S NAME Frank Merline
DEFENDANT'S ATTY Anna Blitz
Type Counsel (circle): Retained CJA FDP

- ☒ Initial appearance hearing held.
☒ Defendant informed of rights.
☒ ORDER appointing Federal Defender Program attorney for defendant.
ORDER appointing _____ attorney for defendant.
ORDER defendant shall pay attorney's fees as follows: _____

☒ Defendant WAIVES removal hearing (as to identity only). WAIVER FILED.
☒ Defendant WAIVES preliminary hearing (____ in this district only). WAIVER FILED.
Removal hearing set/reset/cont to _____ @ _____.
Removal hearing HELD.
Order finding probable cause. Defendant held to District Court for removal to other district.
Order defendant identified as named defendant in indictment/complaint. Defendant held to be removed to other district.
☒ Order defendant removed to other district. Commitment issued 7/25/05.
☒ Miscellaneous: Reserve right to bond hearing in charging district.

BOND/PRETRIAL DETENTION HEARING

- Government Motion for detention filed.
Bond/Pretrial detention hearing held.
Pretrial detention hearing set for _____. (____ in charging district)
(____ Verbal) Motion to reduce bond GRANTED.
(____ Verbal) Motion to reduce bond DENIED.
Pretrial detention ordered. (Written order to follow _____.)
BOND set at \$ _____
NON-SURETY
SURETY/CASH: _____ Property Acceptable: _____ Corporate surety ONLY
COMBINATION: _____
SPECIAL CONDITIONS: _____

- Bond filed, defendant released.
Bond not executed, defendant to remain in Marshal's custody.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA

UNITED STATES OF AMERICA,

COMMITMENT TO ANOTHER DISTRICT

VS.

FRANK MERLINO,

CASE NO. 1:05-MJ-978
Dist of MA: 05-1700-CBS

Charges against the defendant are filed based upon a(n):

☐ indictment ☐ information ☒ complaint ☐ other (specify)

charging a violation of Title 18, United States Code, Section(s) 751(a).

DISTRICT OF OFFENSE: Massachusetts

DATE OF OFFENSE: May 24, 2004

DESCRIPTION OF CHARGES: Escape

BOND IS FIXED AT:

\$ Detained Pending Removal w/ defendant
reserving right to bond hearing in
charging district.

TO: THE UNITED STATES MARSHAL

You are hereby commanded to take custody of the above-named defendant and to transport that defendant with a certified copy of this commitment forthwith to the district of offense as specified above and there deliver the defendant to the United States Marshal for that District or to some other officer authorized to receive the defendant.

Dated at Atlanta, Georgia this 25th day of July, 2005.


UNITED STATES MAGISTRATE JUDGE

RETURN

This commitment was received and executed as follows:

Date Commitment Order Received: _____

Place of Commitment: _____

Date Defendant Committed: _____

Date: _____

United States Marshal: _____

(By) Deputy Marshal: _____

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA**

05 AUG -8 PM 4: 14
UNITED STATES OF AMERICA,
U.S. DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
vs.

05 JUL 25 PM 2: 58
COMMITMENT TO ANOTHER DISTRICT
U.S. DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA

FRANK MERLINO,

CASE NO. 1:05-MJ-978
Dist of MA: 05-1700-CBS

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DATE OF OFFENSE: May 24, 2004

DESCRIPTION OF CHARGES: Escape

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charging district.

TO: **THE UNITED STATES MARSHAL**

You are hereby commanded to take custody of the above-named defendant and to transport that defendant with a certified copy of this commitment forthwith to the district of offense as specified above and there deliver the defendant to the United States Marshal for that District or to some other officer authorized to receive the defendant.

Dated at Atlanta, Georgia this 25th day of July, 2005.

Lane M. Kiz
UNITED STATES MAGISTRATE JUDGE
FILED IN CLERK'S OFFICE
U.S.D.C. / Atlanta

RETURN

AUG 09 2005

This commitment was received and executed as follows:

Date Commitment Order Received:

8-05-05

LUTHER D. THOMAS, Clerk
By: [Signature]
Deputy Clerk

Place of Commitment:

Wyatt Detention Ctr, Central Falls, RI

Date Defendant Committed:

8-03-05

Date:

8-05-05

United States Marshal:

Anthony Dichio

(By) Deputy Marshal:

[Signature]

AO 91 (Rev. 5/85) Criminal Complaint

United States District Court

DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

V.

FRANK MERLINO

1:05-MJ-978

CRIMINAL COMPLAINT

CASE NUMBER: 05-1700-CBS

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about May 24, 2004 in Suffolk county, in the

District of Massachusetts defendant(s) did, (Track Statutory Language of Offense)
knowingly escape from an institution and facility in which he was confined by direction of the Attorney General pursuant to a judgment of conviction entered in the United States District Court for the District of New Hampshire, to wit: he absconded from a home confinement placement while in Pre-release status at the Coolidge House Community Corrections Center, Boston, Massachusetts

in violation of Title 18 United States Code, Section(s) 751(a)

I further state that I am a(n) Deputy United States Marshal and that this complaint is based on the following
Official Title

Facts:

See attached affidavit

Continued on the attached sheet and made a part hereof:

☒ Yes ☐ No

Sworn to before me and subscribed in my presence,

07-21-2005

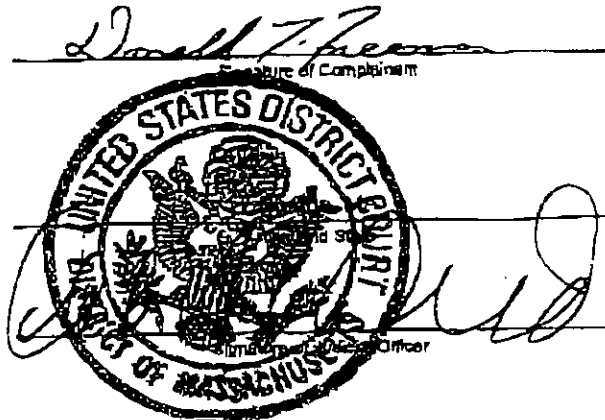
Date

CHARLES B. SWARTWOOD, III
CHIEF UNITED STATES MAGISTRATE JUDGE

Name & Title of Judicial Officer

This form was electronically produced by Elite Federal Forms, Inc.

at



** 50' 3988 78101 **

JUL 21 2005 10:49 FR

05-1700-CBS

AFFIDAVIT OF DONALD F. FREEMAN

I, Donald F. Freeman, being duly sworn, hereby depose and state as follows:

1. I am a Deputy U.S. Marshal and have been so employed for approximately eight years.
2. This affidavit is made in support of a criminal complaint charging Frank Merlino ("Merlino"), whose date of birth is May 29, 1957, with escape from the custody of the Attorney General, in violation of 18 U.S.C. § 751(a). The facts contained herein are based on my own investigation of this matter, as well as information I have received from other law enforcement officials and Bureau of Prison personnel.
3. On May 21, 1997, following his conviction for making a false statement on a credit card application, in violation of 18 U.S.C. § 1014, and bank fraud, in violation of 18 U.S.C. § 1344, Merlino was sentenced in United States District Court for the District of New Hampshire to the custody of the Attorney General for a term of 78 months. On June 30, 1997, following his conviction in the District of New Hampshire for use of an unauthorized access device, in violation of 18 U.S.C. § 1029(A)(2), Merlino was sentenced to a 21-month consecutive sentence of incarceration, resulting in a total custodial sentence of 99 months.

10381-018

AO 442 (Rev. 5/93) Warrant for Arrest

RECEIVED
U.S. MARSHAL SERVICE

United States District Court

2005 JUL 21 D 1:16

DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

WARRANT FOR ARREST

v.
FRANK MERLINO

CASE NUMBER: 05-1700-CBS

To: The United States Marshal
and any Authorized United States Officer

COPY

YOU ARE HEREBY COMMANDED to arrest Frank Merlino
Name

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

☐ Indictment ☐ Information ☒ Complaint ☐ Order of court ☐ Violation Notice ☐ Probation Violation
Petition

charging him or her with (brief description of offense)
escape

in violation of
Title 18 United States Code, Section(s) 871(a)

CHARLES B. SWARTWOOD, II
Name of Issuing Officer

CHIEF UNITED STATES MAGISTRATE JUDGE
Title of Issuing Officer

Signature of Issuing Officer

07-21-2005
Date and Location



Bail fixed at \$ _____ by _____
Name of Judicial Officer

RETURN		
This warrant was received and executed with the arrest of the above-named defendant at _____		
DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

This form was electronically produced by Elite Federal Forms, Inc.

10381-018

** TOTAL PAGE 02 **

JUL 21 2005 10:49 FR

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C. 04/07

BP-8191.056 NOTICE OF ESCAPED FEDERAL PRISONER CORR

NOV 91

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Institution Coolidge House 1BN				Date 05-24-2001		
Name Merlino, Frank		Number 10381-019		Date of Birth 05-29-1957		Age 46
Sex M	Race W	Height 5'10"	Weight 190	Eyes BRN	Hair BRN	Place of Birth MA.
Citizenship US		Build MED		Home Address 250 Main Street #4 Charlestown, MA 02129		
Scars, Marks, Tattoos Unknown				Occupation: Laborer		
Last Used Aliases Dennis McDermott, Richard P. McDermott, Richard P. Merlino, Frank Richard Merlino				F.B.I. No. 422302AA6		S.S.N. 019-42-4266
Sentence 99 mos. CBOP years/Mos./Days Offense: 5 yrs SRT				Original Arresting Agency: Salem Service		
				Details of Escape: Merlino was instructed to call the Coolidge House between 6:00 - 8:00 a.m.. he did not call in. A spot check was accomplished at 3:22 a.m. at Merlino's home where he resides on home confinement. He was there at this time. His supervisor was contacted and advised the 1BN staff that Merlino did not come to work today. The father was contacted and stated that he has not seen him since yesterday. Local hospitals and police were checked and he was not at any of them.		
				Armed: <input type="checkbox"/> Yes; <input type="checkbox"/> No; <input checked="" type="checkbox"/> Unknown		
				Consider Dangerous: <input type="checkbox"/> Yes; <input checked="" type="checkbox"/> No		
				Violent Behavior: <input type="checkbox"/> Yes; <input checked="" type="checkbox"/> No		

SUBJECT TO THE CONDITIONS OF TITLE 28, PART 7, SECTION 7.1 - 7.5 OF THE CODE OF FEDERAL REGULATIONS, A STANDING OFFER TO REWARD IS MADE FOR THE CAPTURE, OR ASSISTANCE IN, OR FURNISHING INFORMATION LEADING TO THE CAPTURE OF AN ESCAPED FEDERAL PRISONER. THIS REWARD SHALL NOT BE IN EXCESS OF \$250 UNLESS SPECIFICALLY GRANTED BY THE DIRECTOR OF THE BUREAU OF PRISONS.

IF APPREHENDED, OR IF YOU HAVE INFORMATION CONCERNING THE PRISONER, WRITE OR TELEPHONE COLLECT THE NEAREST OFFICE OF THE FEDERAL BUREAU OF INVESTIGATION (F.B.I.), OR CONTACT THE CHIEF EXECUTIVE OFFICER OF THIS FACILITY.

TELEPHONE NUMBER: 617-565-4293
Area Code

Ann M. Stinson
Chief Executive Officer
Acting CCM
Title

(This form may be replicated via WP)

Replaces BP-393 (56) OCT 80 and BP-5593 (56) AUG 84